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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,228	01/15/2002	Pascal H. Huart	062891.0620	6383

5073 7590 05/19/2005

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EXAMINER

LIN, WEN TAI

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,228

Applicant(s)

HUART ET AL.

Examiner

Wen-Tai Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-40 is/are rejected.
- 7) ☒ Claim(s) 5 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/23/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-40 are presented for examination.
2. Claims 7-12 are objected to because the term “the processor” appears to lack antecedent basis in claims 7 and 9.
3. Claims 7 and 17 are objected to because of the following issues/informalities:
 - i. the word “address” in “plurality of network address” of claim 17 appears to be a typo of “addresses”; and
 - ii. it is not clear what is meant by “time-length-value (TLV)” in claim 7. For prior art rejection in this office action the “time-length-value” is being construed as any parameter that is associated with a time, length, or value.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 6-10, 12-15 and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by KELLY et al.[U.S. 20010055299].

6. As to claim 1, KELLY teaches the invention as claimed including: a method for dynamically assigning a network region to a network endpoint, comprising [Abstract; Fig.7; claims 1-13 on page 10]:

receiving a request for a network address from a network endpoint [paragraphs 53-57 and 62-63; e.g., a web phone client on a circuit network requesting (through its local gateway) the network address for a target gateway server, which represents a target endpoint in a packet network];

determining the network address for the network endpoint [e.g., global server 252 resolves the IP address of the gateway];

determining a network region for the network endpoint [i.e., in determining the gateway's IP address, the global server parses the telephone number for sub domain names to find a corresponding IP address (see Figs. 5A-5C)]; and

communicating the network address and a network location parameter specifying the network region to the network endpoint [paragraphs 55-56; e.g., the servers in steps 9 and 11 return location parameters (i.e., references) specifying the PSTN network regions of the called endpoint].

7. As to claim 2, KELLY further teaches that the network address is an Internet protocol (IP) address; the network endpoint is an IP phone; and the network endpoint communicates packet data comprising voice information using transport control protocol/Internet protocol (TCP/IP) [Abstract; Fig.2].

8. As to claim 3, KELLY teaches that determining the network address further comprises: determining a network path along which the request is communicated [i.e., steps 1-12 of Fig.6 is a process of determining a network path]; and determining the network address based on the network path [paragraphs 55-57].

9. As to claim 4, KELLY further teaches that determining the network region comprises: determining a subnet address portion of the network address; and determining the network region based on the subnet address portion [see, e.g., 700-712, Fig.7 and the relevant text].

10. As to claim 6, KELLY further teaches that the network location parameter comprises time-length-value (TLV) data [Figs. 4-5; i.e., the location parameter comprises numerical values of various parts of a telephone number].

11. As to claim 7, since the features of this claim can also be found in claims 1-4 and 6, it is rejected for the same reasons set forth in the rejection of claims 1-4 and 6 above.

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12. As to claim 10, KELLY further teaches that the network region is determined based on a subnet address portion of the network address [e.g., each area code represents a subnet address in the PSTN].

13. As to claims 8-9, 12-15 and 17-19, since the features of these claims can also be found in claims 1-4 and 6-7, they are rejected for the same reasons set forth in the rejection of claims 1-4 and 6-7 above.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 11 and 20-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over KELLY et al.(hereafter "KELLY")[U.S. 20010055299], as applied to claims 1-4, 6-10, 12-15 and 17-19 above, further in view of Official Notice.

16. As to claim 11, KELLY does not specifically teach the data structure further relates the network region to a priority level associated with the network endpoint.

However, Official Notice is taken that differentiated service is well known in the art, wherein a priority level is assigned to each network endpoint, from which data packets are associated with a respective priority level instructing the servers along the data path to service the packet in accordance with the assigned priority.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the differentiated service in KELLY's system because the differentiated service broaden customer bases by offering better service to those who pay more.

17. As to claim 20, KELLY teaches the a plurality of codec cards are made available at the gateway servers. KELLY does not specifically teach selecting the codec selecting the codec algorithm based on the available bandwidth.

However, Official Notice is taken that it is well known in the art that different complexity of compressing /uncompressing algorithms (codec) are available.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to adaptively choose a codec that matches its network bandwidth because the latter determines how many customers can be qualitatively serviced via KELLY's gateway servers [paragraph 69].

18. As to claims 21-22, since the features of these claims can also be found in claims 7, 11, 17 and 20, they are rejected for the same reasons set forth in the rejection of claims 7, 11, 17 and 20 above.

19. As to claim 25, KELLY does not specifically teach that the processor is further operable to use a priority level associated with the network endpoint to enable selection of the codec. However, Official Notice is taken that assigning users with appropriate priority levels in accordance with their QoS (Quality of Service) agreements is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to select KELLY's codec cards according to the priority level associated with the network endpoint because the approach falls in line with the typical differentiated services.

20. As to claim 27, KELLY further teaches that the processor determines the network region based on a data structure relating a plurality of network addresses to a plurality of network regions [Figs. 5A-5C].

21. As to claims 28-29, KELLY further teaches that the network endpoint further comprises a memory operable to store a plurality of codecs [paragraph 41; i.e., each codec card has memory to store its associated codec program]; and the processor uses the network region to select one of the codecs [see the rejection reason of claim 20 above].

22. As to claims 23-24, 26 and 30-40, since the features of these claims can also be found in claims 1, 4, 7-8, 13, 17, 22, 25 and 29, they are rejected for the same reasons set forth in the rejection of claims 1, 4, 7-8, 13, 17, 22, 25 and 29 above.

23. Claims 5 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Curry et al. [U.S. 6078582];
Farris et al. [U.S. 6546003];
Voit et al. [U.S. 20010006519];
Kim; et al. [U.S. Pat. No. 6678280]; and
Van et al. [U.S. Pat. No. 6597906].

25. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 days from the mail date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

Conclusion

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially

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teaching all or part of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and

(571)273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

May 16, 2005

Wen-Tai Lin
5/16/05